

United States Bankruptcy Court
Central District of California

Redline of Revisions to the Local Bankruptcy Rules
Effective January 2, 2014

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I -- Eliminate the Notice of Entered Order and Service List Requirement

LBR 9021-1. ORDERS AND JUDGMENTS

(b) Preparation, Lodging, and Signing of Orders.

- (1) Form of Proposed Order. A proposed order must be set forth in a separately captioned document complying with LBRs 9004-1 and 9009-1 ~~and the Court Manual, and must include the Notice of Entered Order and Service List prepared in accordance with subsection (b)(1)(E) of this rule.~~

~~(E) Notice of Entered Order and Service List.~~

- ~~(i) Mandatory LBR Form. The proposed order must be accompanied by court-mandated form F 9021-1.1.NOTICE.ENTERED.ORDER, Notice of Entered Order and Service List, regardless of whether the proposed order is lodged non-electronically or electronically pursuant to the LOU Procedures.~~
- ~~(ii) Entered Order Served Other than by the Court. If an entered order is to be served other than by the court, the party responsible for lodging the proposed order must promptly serve a copy of the entered order and file a proof of service of the entered order in the form and manner required by LBR 9013-3.~~

LBR 9013-1 MOTION PRACTICE AND CONTESTED MATTERS

(o) Motions and Matters Determined After Notice of Opportunity to Request Hearing.

- (3) No Response and Request for Hearing. If the response period expires without the filing and service of any response and request for hearing, the moving party must do all of the following:
- (B) Lodge Proposed Order. Lodge a proposed order in accordance with LBR 9021-1 ~~and the Court Manual, except that: (i) the proposed order need not be served prior to lodging, except as otherwise required in these rules.; and (ii) the Notice of Entered Order and Service List must limit service by the court to only the debtor or debtor in possession (and debtor's attorney, if any), and the United States trustee.~~

LBR 9001-1. DEFINITIONS

- (a) **Definition of Terms.** As used in these rules, the following words and phrases are defined as follows:

(35) “**Notice of Entry**” means a ~~doctored text entry or other~~ document ~~completed by the clerk~~ that provides notice to appropriate persons or entities that an order or judgment has been entered, ~~including a Notice of Electronic Filing, a BNC Certificate of Notice, or other Proof of Service or Certificate of Mailing.~~

LBR 8003-1. LEAVE TO APPEAL FROM INTERLOCUTORY ORDERS

- (e) **Designation and Transmission of Record.**

(2) The time fixed by FRBP 8006 and 8007 for designating and transmitting the record and docketing the appeal will run from the date of the notice ~~by the clerk~~ of entry of the order granting leave to appeal.

II -- Clarify Response to Motions and Dismissal Motions

LBR 9013-1. MOTION PRACTICE AND CONTESTED MATTERS

- (f) **Opposition and Responses to Motions.** Except as set forth in LBR 7056-1 (with regard to motions for summary judgment or partial summary adjudication), LBRs 2014-1(b), 2016-1(a)(2), 3015-1(w) and (x), and 9013-1(o) (with regard to motion and matters that may not require a hearing), and LBR 9075-1 (with regard to motions to be heard on an emergency or shortened notice basis or unless otherwise ordered by the court), each interested party opposing or responding to the motion must file and serve ~~the response~~ **(Response)** on the moving party and the United States trustee not later than 14 days before the date designated for hearing. ~~either:~~

~~(1) Contents of Response. A Response must be a complete written statement of all reasons in opposition thereto or in support, declarations and copies of all photographs and documentary evidence on which the responding party intends to rely, and any responding memorandum of points and authorities. The Response-opposing documents must advise the adverse party that any reply to the opposition must be filed with the court and served on the respondingopposing party not later than 7 days prior to the hearing on the motion. ÷or~~

~~(2) —A written statement that the motion will not be opposed.~~

- (k) **Voluntary Dismissal or Stipulation to Dismiss a Motion.** In addition to compliance with FRBP 7041(a), a movant ~~A party~~ who seeks to ~~voluntarily dismiss~~ notify the court that a voluntary dismissal or stipulation for dismissal of a motion has been filed, must, not less than 23 days prior to the hearing date: (1) give telephonic notice thereof to opposing counsel and the courtroom deputy of the judge before whom the matter is pending; and (2) ~~on the same day, serve a copy on the judge before whom the matter is pending and on the opposing counsel.~~ file with the court, and serve on the United States trustee and persons or entities who have filed an opposition or other response to the motion, a notice thereof with the court. An order may be required.

III -- Add Procedure for Creditor or Debtor to Follow When a Document Containing a Personal Identifier has been Filed

LBR 9037-1. REDACTION REQUESTS AND PROTECTIVE ORDERS REGARDING PERSONAL IDENTIFIERS

- (a) **Motion.** When a document has been filed containing a personal identifier, a party in interest may file a motion to block public access to the document, using the court-approved form or other language consistent with the court-approved form. The motion may be ruled upon without a hearing. If the case has been closed prior to filing of the motion, the case first must be reopened in accordance with LBR 5010-1, including payment of any applicable fees.
- (b) **Service.** The motion must contain proof of service upon the debtor, debtor's counsel (if applicable), United States trustee, and the case trustee (if applicable).
- (c) **Order.** An order must be lodged, using the court-approved form order or other language consistent with the court-approved form.
- (d) **Filing of Redacted Document.** After entry of an order granting the motion, the movant must promptly file the redacted document.

LBR 1002-1. PETITION AND CASE COMMENCEMENT DOCUMENTS – GENERAL

(e) Redaction of Personal Identifiers.

- (1) Unless otherwise ordered by the court, a party in interest must redact where inclusion is necessary, the following personal identifiers from all lists, schedules, statements, payment advices, or other documents filed or required to be filed with the court in accordance with FRBP 9037(a):
 - (A) Social Security Numbers. If disclosure of a social security number is required, only the last four digits of that number should be used. [This does not apply to Official Form 21, Statement of Social Security Number(s)].
 - (B) Names of Minor Children. If disclosure of the identity of any minor child is required, only the initials of that child should be used.
 - (C) Date of Birth. If disclosure of an individual's date of birth is required, only the year should be used.
 - (D) Financial Account Numbers. If disclosure of any financial account number is required, only the last four digits of that number should be used.
- (2) The responsibility for redacting these personal identifiers rests solely with the debtor and debtor's counsel. The court will not review documents for compliance with this rule.
- (3) If the debtor wishes to block public access to a filed document containing a personal identifier, a motion is required and may be filed and served pursuant to LBR 9037-1.

IV -- Clarify Motion Practice and Contested Matter, and Motions and Matters Determined without Additional Notice and Without a Hearing

LBR 9013-1. MOTION PRACTICE AND CONTESTED MATTERS

(a) Applicability.

- (1) This rule applies to ~~Unless otherwise ordered by the court, parties must file, serve, and set for hearing~~ (A) all contested matters (FRBP 9014), including motions, whether filed in the bankruptcy case or an adversary proceeding, objections,

applications, orders to show cause, ~~and other matters for which a hearing is necessary (collectively, “motions”), in accordance with this rule, any other applicable LBR, the FRBP, and the Bankruptcy Code~~ (B) all requests for an order of the court under FRBP 9013, such as applications that can be presented without a hearing, and (C) all requests that may be directed to the Clerk, such as requests for the Clerk to enter a default.

- (2) This rule applies to objections to claims, except as provided in LBR 3007-1.
- (3) This rule applies to motions for summary judgment, except as provided in LBR 7056-1.
- (4) This rule does not apply to a motion to reject a collective bargaining agreement which is governed by 11 U.S.C. § 1113.

(5) **Hearings, notice, and service.**

- (A) **General.** Except as provided in this rule or by order of the court, hearings and notice are required for all motions, and are governed by subsection (d) of this rule.
- (B) **Motions and matters determined after notice of opportunity to request a hearing.** Motions that will be decided without a hearing absent a proper request for a hearing, are governed by subsection (o) of this rule.
- (C) **Notice only motions.** Motions that require service of a notice, but do not require a hearing are governed by subsection (p) of this rule.
- (D) **Motions that do not require either a hearing or additional service of a notice.** Motions that do not require either a hearing or additional service of a notice are governed by subsection (q) of this rule.

(p) **Motions and Matters Determined With Notice, but Without a Hearing.** The following motions may be determined without a hearing after notice provided in the corresponding LBR cited.

- (1) Debtors Application to Extend the Deadline to File Case Commencement Documents [LBR 1007-1(c), LBR 3015-1(b)(2)]
- (2) Motion to Convert Case from Chapter 11 to one under another Chapter [LBR 1017-1(a)(3)]
- (3) Motion for Examination under FRBP 2004 [LBR 2004-1(b)]
- (4) Motion to Withdraw as Counsel [LBR 2091-1(a)]

- (5) Motion for Release of Unclaimed Funds [LBR 3011-1(a)(2)]
 - (6) Debtor's Application Confirming that Loan Modification Discussion Will Not Violate the Stay
 - (7) Bill of Costs [LBR 7054-1(a)-(f)]
 - (8) Request for the Clerk to Enter Default [LBR 7055-1(e)]
 - (9) Motion for Leave to Appeal from an Interlocutory Order [LBR 8003-1(d)(3)]
 - (10) Motion for Protective Order Pursuant to 11 USC 107(c) and FRBP to Restrict Access to Documents Filed Containing Personal Identifiers [LBR 1002-1(e)]
 - (11) Application for Reinstatement of Privileges [LBR Appendix II, Reinstatement]
 - (12) Application to Have Opinion Removed from Website [LBR Appendix II, Motion to Have Opinion Removed From Website]
 - (13) Request for Assignment to Mediation Program [LBR Appendix III, Section 5.1]
- (q) **Motions and Matters Determined without Additional Notice and without a Hearing.**
 Unless otherwise ordered by the court, the following motions and matters may be determined without a hearing and without additional notice, because the parties requiring notice already receive notice via an NEF.
- (1) Debtor's Notice of First Time Conversion from Chapter 12 or 13 to Chapter 7 [LBR 1017-1(a)(1), LBR 3015-1(q)(2)(A)]
 - (2) Debtor's Motion to Vacate an Order Dismissing a Bankruptcy Case, When Dismissal was Due to Failure to File a Required Document [LBR 1017-2(c)]
 - (3) Creditor's Request for Notice to Designate an Address for Authorized Agent [LBR 2002-1(a), 11 U.S.C. § 342(g)(1), FRBP 2002(g)]
 - (4) Creditor's Request for Notice Despite Order Limiting Notice to Committee [LBR 2002-1(b), FRBP 2002(i)]
 - (5) Application by Non-Resident Attorney to Appear Pro Hac Vice [LBR 2091-1(b)]
 - (6) Debtor or Trustee's Motion to Set Bar date for filing proof of Claim in a Chapter 11 Case

- (7) Debtor's Motion for Voluntary Dismissal of Chapter 13 Case that has not previously been converted [LBR 3015-1(q)(2)(A)]
- (8) Motion to Reopen Bankruptcy Case [LBR 5010-1(c)]
- (9) Application for Issuance of Writ of Execution [LBR 7069-1(b), 7054-1(h), 2010-1(d)]

V -- Clarify Standard for Hearings on Less than 48 Hours Notice

LBR 9075-1. EMERGENCY MOTIONS AND APPLICATIONS FOR ORDERS SETTING HEARING ON SHORTENED NOTICE

(a) Emergency Motion.

- (1) Scope of Rule. An emergency motion requiring an order on less than 48 hours notice must be obtained in accordance with this rule.
- (2) Obtaining Hearing Date and Time. Unless otherwise ordered by the court, a hearing date and time may be obtained by telephoning the chambers of the judge to whom the case is assigned or such member of the judge's staff as may be designated to schedule hearings on emergency motions.
 - (A) The ~~identity of contact information~~ for the designated member of the judge's staff is available ~~from the clerk's office in~~ Appendix H of the Court Manual and is posted on the court's website. Prior to telephoning chambers, the court's website should be consulted to determine whether the judge has additional procedures or instructions for obtaining a hearing on an emergency motion.
 - ~~(A)(B)~~ The request for a hearing on less than 48 hours notice may be granted if the party shows cause why a hearing is needed within 48 hours, and why the court should set a hearing before the motion is filed and before a declaration has been filed setting forth the need for a hearing on less than 48 hours notice.
- (3) Court Ruling on Request for Hearing. The request for a hearing on less than 48 hours notice will be determined by the court on the basis of the telephonic communication, subject to the right of any party to object to the adequacy of notice pursuant to subsection (c) of this rule. The court will promptly notify the movant whether it approves or denies the movant's request.

- ~~(2)~~(4) Contents of Motion. The motion must: (A) state the relief requested, (B) comply with any other applicable provisions of these rules regarding the relief requested, and (C) be accompanied by the declaration of one or more competent witnesses under penalty of perjury that (i) justifies the setting of a hearing on ~~an emergency basis less than 48 hours notice~~ and (ii) supports the granting of the motion itself on the merits. A separate motion for an expedited hearing is not required under this rule.
- ~~(3)~~(5) Telephonic Notice. Unless otherwise ordered by the court, immediately upon obtaining a hearing date and time, movant must give telephonic notice of the emergency hearing and the substance of the motion to the parties to whom notice of the motion is required to be given under the FRBP and these rules, the United States trustee, and any other party that is likely to be adversely affected by the granting of the motion. Movant must also advise the parties by telephone whether the motion will be served by email, fax, or personal service.
- ~~(4)~~(6) Service of Motion. Unless otherwise ordered by the court, movant must serve the motion by email, fax, or personal service on the parties set forth in subsection (a)(4) not later than the time the motion is filed with the court.
- ~~(5)~~(7) Filing of Motion. Unless otherwise ordered by the court, the motion must be filed not later than 2 hours before the time set for the hearing and a judge's copy served on the judge in chambers in accordance with LBR 5005-2(d).
- ~~(6)~~(8) Response to Motion. Any response, written or oral, to the motion may be presented at the time of the hearing on the motion.
- ~~(7)~~(9) Proof of Notice to be Presented at the Hearing. At the time of the hearing, movant must present to the court and file (A) a declaration of the efforts made to give telephonic notice of the hearing and substance of the emergency motion to the parties set forth in subsection (a)(4) and (B) a proof of service of the motion.